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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

TEVA PHARMACEUTICALS USA, INC.,

PLAINTIFF,

V.

CORCEPT THERAPEUTICS, INC., AND
OPTIME CARE INC.,

DEFENDANTS.

THIS DOCUMENT RELATES TO:

Aetna Inc. et al. v. Corcept Therapeutics, Inc.,
NO. 3:25-CV-2590-RFL

Case No. 5:24-cv-03567-NW

**PLAINTIFFS' STATEMENT OF
NON-OPPOSITION TO DEFENDANT
CORCEPT THERAPETUICS INC.'S
MOTION TO CONSIDER WHETHER
THE CASES SHOULD BE RELATED**

The Honorable Noël Wise

As Plaintiffs Aetna Inc., Health Care Service Corporation, Humana Inc., and Molina Healthcare, Inc. (collectively “Plaintiffs”) indicated to counsel for Defendant Corcept Therapeutics Inc. (“Corcept”), they take no position on whether their case should be related before this Court. *See* ECF 94 at n. 1. Plaintiffs, however, refused Corcept’s offer to stipulate to same lest that be misconstrued as waiving their right to remand. Indeed, Plaintiffs made that point explicitly when stipulating to a briefing schedule regarding their forthcoming remand motion.¹

Plaintiffs’ case should be remanded to the California Superior Court as Corcept’s cross-complaint is subsumed by Plaintiffs’ state law claims. As such, it is immaterial whether this Court or Judge Rita F. Lin’s makes that determination.

DATED: April 1, 2025

Respectfully submitted,

/s/ J. Caleigh Macdonald

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¹ *See* Case No. 3:25-cv-2590-RFL, ECF 7 at 1 citing *SWC Inc. v. Elite Promo Inc.*, 234 F. Supp. 3d 1018, 1023 (N.D. Cal. 2017) (“Courts generally have not found waiver where a plaintiff undertakes minimal or expected case-management obligations once a case is removed.”).

Counsel for Aetna Inc., Health Care Service Corporation, Humana Inc., and Molina Healthcare, Inc.